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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,270	07/14/1999	SUSUMU KUSAKABE	450100-4984	3256

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745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

LEE, CHI CHUNG

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 01/09/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/353,270

Applicant(s)

KUSAKABE ET AL.

Examiner

Chi-Chung E Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ~~39-54~~ is/are pending in the application. *cancelled*
- 4a) Of the above claim(s) 1-38 is/are ~~withdrawn from consideration~~.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 39-42, 44-49 and 51-54 is/are rejected.
- 7) ☒ Claim(s) 43 and 50 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claim 39-42, 44-49, 51-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueda et al (US 6,289,102 B1).

As per claim 39, Ueda discloses an information processing device (i.e. information reproducing device, see figure 4) for supplying management information to data storage device, said information processing device comprising:

a) forming means for forming management information [scramble information in the lead in area, see figure 3) that manages a storage area (i.e. data recording area see figure 1) in the data storage device (i.e. HDD 12, see figure 4) in a layer structure [see figure 3].

Ueda disclose the layer structure in the column 8 lines 39-53;

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b) encryption means [see column 11 lines 55-61] for encrypting said management information (i.e. scramble information). Ueda disclose the lower layer of the management information by using a key (i.e. initial value for a random number sequence) contained in an upper layer of the management information in the column 8 lines 39-53 and column 20 lines 60-67;

c) communication means for communicating the encrypted management information to said data storage device [HDD 12, see figure 4], to enable said definition area to be formed therein based upon said management information [see column 10 lines 13-49].

As per claim 40, Ueda discloses the communication means is configuration means is configured to transmit the encrypted management information through a predetermined transmission medium [see column 9 lines 51-63].

As per claims 41, 42, Ueda discloses the formed means contains a storage area identification code (i.e. volume descriptor) to be allocated to a storage area of the data storage device to be managed, and is used to identify said storage area [see figure 10 and column 13 lines 23-65].

As per claim 44, Ueda discloses a storage device (i.e. optical disk player, see figure 19) comprising:

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- a) receiving means (i.e. data reproducing circuit 606) for receiving encrypted management information (scramble information) from an external equipment [see column 27 lines 20-26];
- b) decrypting means (i.e. descramble circuit 705) for decrypting a lower layer of the encrypted management information by using said key, said key being contained in an upper layer of the management information [see column 20 lines 60-67].
- c) data storage means (i.e. program ROM 1001, see figure 19) for storing data to supply predetermined service, wherein access to a storage area of said data storage means is provided by said key [see column 27 lines 46-63].
- d) management information storage means (i.e. I/O control circuit 1100, see figure 20) for storing the management information and management means for forming the defining said storage area in a layered structure [see column 28 lines 5-19].

As per claims 45, 46, 47, Ueda discloses the receiving means provides access to said external equipment (i.e. optical disk drive 509, see figure 17) through a predetermined transmission medium (i.e. SCSI bus, see column 25 lines 52-66).

As per claims 48,49, Ueda discloses the management information contains a storage area ID code [see figures 3, 4]. It is inherent in the system of Ueda to contain information on the amount of an empty capacity of said storage area to be managed [see figure 11].

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Claim 51, 54 are similar to the combination of claim 39 and claim 44, which have been rejected above, and thus rejected with the same reason applied thereto.

As per claims 52,53, the claimed steps corresponds to the functions of the elements of the apparatus claim 51, which has been rejected above, and thus rejected with the same reason applied thereto.

Allowable Subject Matter

1. Claims 43, 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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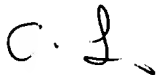
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi-Chung E Lee whose telephone number is 703-306-4153.


The examiner can normally be reached on 8 am - 6 pm, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Chi-Chung Lee
1/4/2004



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

As per claim 39, Ueda discloses an ~~information processing device~~ (i.e. information reproducing device, see figure 4) for ~~supplying management information~~ to a data storage device (i.e. HDD 12), said ~~information processing device~~ comprises:
a) ~~_____~~